

**MELISSA SMITH****v.****Jake Vu, et. al.****CASE DETAIL**

CASE #	CURRENT JUDGE	FILING DATE	COURT
D-307-CV-201801310	Arrieta, Manuel I.	06/18/2018	LAS CRUCES District

**PARTIES TO THIS CASE**

PARTY TYPE	PARTY DESCRIPTION	PARTY #	PARTY NAME
D	Defendant	1	VU JAKE
D	Defendant	2	HARTLEY MICHAEL
P	Plaintiff	1	SMITH MELISSA

**CIVIL COMPLAINT DETAIL**

COMPLAINT DATE	COMPLAINT SEQ #	COMPLAINT DESCRIPTION	DISP	DISP DATE
06/18/2018	1	OPN: COMPLAINT		

COA SEQ #	COA DESCRIPTION
1	Debt and Money Due

PARTY NAME	PARTY TYPE	PARTY #
SMITH MELISSA	P	1
VU JAKE	D	1
HARTLEY MICHAEL	D	2

**REGISTER OF ACTIONS ACTIVITY**

EVENT DATE	EVENT DESCRIPTION	EVENT RESULT	PARTY TYPE	PARTY #	AMOUNT
07/06/2018	SUMMONS RETURN	P		1	
	Summons Return Served Jake Vu by certified mail on 06.21.2018 by Destiny Estrada				
06/28/2018	SUMMONS RETURN	P		1	
	Summons Return Served Michael Hartley on 06.18.2018 by Destiny Estrada				
06/18/2018					
06/18/2018					
06/18/2018	DCM (Differentiated Case Management) Scheduling Order				
	Order Requiring Scheduling Reports, a Discovery Plan, Expert Witness Disclosure, and Limiting Stipulations to Enlarge Time for Responsive Pleadings				
06/18/2018	OPN: COMPLAINT	P		1	
	Civil Complaint				

**JUDGE ASSIGNMENT HISTORY**

ASSIGNMENT DATE	JUDGE NAME	SEQ #	ASSIGNMENT EVENT DESCRIPTION
06/18/2018	Arrieta, Manuel I.	1	INITIAL ASSIGNMENT

Exhibit B

ENDORSED

FILED

STATE OF NEW MEXICO  
COUNTY OF DOÑA ANA  
THIRD JUDICIAL DISTRICT COURT

2018 JUN 13 PM 3:46  
DISTRICT COURT  
DOÑA ANA COUNTY, NM

Melissa Smith, Plaintiff,  
(print first, middle and last name)

v.

Case No. CV2018-1510  
Judge: Manuel I. Arrieta

Jake Vu Michael Hartley defendant.  
(print first, middle and last name)

### CIVIL COMPLAINT

1. Plaintiff or defendant resides, or may be found in, or the cause of action arose in this county.
2. Plaintiff claims from Defendant the amount of \$ 200,000 and also claims interest and court costs.
3. Plaintiff claims from Defendant personal property of the value of \$ 0, which is described as follows:

Sumo

4. Plaintiff seeks the following additional relief:

Switched up partition to make more money off of plaintiff.

5. Plaintiff's claim arises from the following event or transaction:

Failing to issue partition after 14 years.

6. Trial by jury ☐ IS ☒ IS NOT demanded. (If a jury is demanded, an additional cost must be paid upon filing.)

Respectfully submitted,

(SIGN YOUR NAME) Melissa Smith

(PRINT YOUR NAME) Melissa Smith

(YOUR MAILING ADDRESS) 1290 Foster Road

(CITY/STATE/ZIP) Las Cruces, New Mexico 88001

(YOUR TELEPHONE) 575-339-8158

STATE OF NEW MEXICO }  
COUNTY OF DONA ANA } ss

Melissa Smith  
(SIGN YOUR NAME)

MELISSA Smith  
(PRINT YOUR NAME)

Sophia Romero  
Notary public or other officer authorized to administer oaths  
Notary  
Title

My commission expires: 6-11-20

ENDORSED

FILED

STATE OF NEW MEXICO  
COUNTY OF DOÑA ANA  
THIRD JUDICIAL DISTRICT COURT

2018 JUN 18 PM 4:56

DISTRICT COURT  
DONA ANA COUNTY, NM

Melissa Smith

Plaintiff,

V.

Case No. CV 2018-01310

Judge Arrieta

Jake Vu and Michael Hartley

Defendant.

ORDER REQUIRING SCHEDULING REPORTS,  
A DISCOVERY PLAN, EXPERT WITNESS DISCLOSURE,  
AND LIMITING STIPULATIONS TO ENLARGE TIME  
FOR RESPONSIVE PLEADINGS

IT IS SO ORDERED:

- A. Plaintiff shall serve a copy of this order on each defendant with the summons and complaint and file a certificate of such service. Parties other than plaintiffs who assert claims against others who have not been served with this order shall serve a copy of this order on those against whom they assert claims with the pleading asserting such claims and shall file a certificate of such service.
- B. Within sixty (60) calendar days after the initial pleading is filed, parties of record shall file a scheduling report with copies to opposing parties and the assigned judge. Parties shall confer and are encouraged to file a Joint Scheduling Report, LR3-Form 2.12 NMRA for Track A or LR3-Form 2.13 for Tracks B and C, or, if they cannot agree, file an individual Scheduling Report, LR3-Form 2.13 NMRA. *See* copies of forms attached hereto.
- C. Any party who enters an appearance in the case more than sixty (60) calendar days after the filing of the initial pleading shall file a scheduling report within ten (10) business days and deliver a copy to the assigned judge.

- D. If all parties are not of record within sixty (60) calendar days of the filing of the initial pleading, the party making claims against the absent parties (*Plaintiff for Defendants, Third-Party Plaintiffs for Third-Party Defendants, etc.*) shall, within five (5) business days after the sixtieth (60<sup>th</sup>) day, file and serve parties of record and deliver to the assigned judge, a written explanation following LR3-Form 2.14 NMRA, "Delay in Putting the Matter at Issue."
- E. Counsel or parties who do not have attorneys may not stipulate to an enlargement of time greater than fourteen (14) calendar days for the filing of a responsive pleading without a motion and order. The motion shall state with particularity the reason(s) an enlargement is in the best interests of the parties. A copy of the motion and stipulation shall be delivered to all parties as well as counsel. The enlargement requested shall be for a specified time.
- F. When all parties have been joined and the case is at issue, the parties shall immediately notify in writing the assigned judge and the alternative dispute resolution coordinator.
- G. If appropriate, the court will refer this matter to settlement facilitation under Part VI of the Local Rules of the Third Judicial District Court.
- H. Within seventy-five (75) calendar days from the date the initial pleading is filed, or fifteen (15) calendar days after the case is at issue if LR3-Form 2.14 NMRA has been filed, the parties shall either:
- (1) stipulate to a discovery plan and file the stipulation with the court, or
  - (2) request a hearing to establish a discovery plan pursuant to Paragraph F of Rule 1-026 NMRA.
  - (3) In the absence of a stipulated discovery plan or a timely request from a party for a hearing to establish a discovery plan, the following plan shall go into effect:  
Within one hundred (100) calendar days after the initial pleading was filed or fifteen (15) calendar days after a party has entered the suit, whichever is the later date, each party shall provide to all other parties:
    - a. The name and, if known, the address and telephone number of each individual likely to have discoverable information relevant to disputed issues raised by the

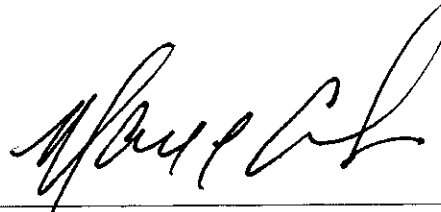
pleadings, identifying the subjects of the information;

- b. A copy of, or a description by category and location of, all documents, data compilations, and tangible things in the possession, custody, or control of the party that are relevant to disputed issues raised by the pleadings;
- c. A computation of any category of damages claimed by the disclosing party, providing copies or making available for inspection and copying the documents or other evidentiary materials and medical records and opinions, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered;
- d. For inspection and copying, any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment;
- e. If the medical condition of a party is at issue, such party shall give a medical release authorization to opposing parties. The parties shall confer regarding the nature and extent of the release and stipulate, if possible. If the parties cannot agree, each party shall file a memorandum with a proposed medical release authorization advocating that party's proposed form to the court. A copy of the memorandum and proposed form shall be delivered to the assigned judge. Rule 1-007.1 NIMRA shall apply.

I. Pursuant to Rule 1-026(E) NMRA, parties shall reasonably supplement discovery required in Subparagraphs (3)(a) through (e) of Paragraph H of this Order.

J. Intent to Call Expert Witness - Disclosure. No later than sixty (60) calendar days after filing their respective pleading or responsive pleading, all parties shall exchange a "Notice of Intent to Call Expert Witness(es)". The parties shall list the names, addresses and phone numbers for all anticipated experts, including a brief summary of the subject matter of each witness' testimony. If an expert has not yet been identified by a party, the parties must list the specialized area(s) in which

an expert is anticipated to be retained and a brief summary of the areas or issues on which the expert is expected to testify. With respect to each expert listed, all parties are to observe their continuing duty to timely supplement discovery and shall further abide by the requirements of Section 8 of the attachment to the Rule 16(B) Scheduling Order.

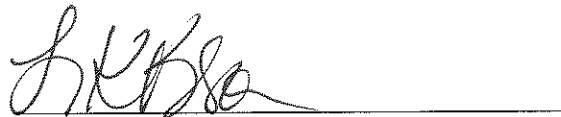
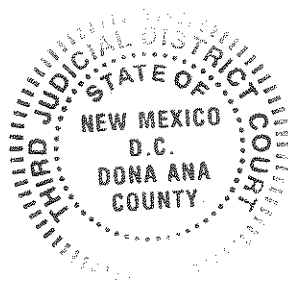


DISTRICT COURT JUDGE

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Delivered to Plaintiff on June 18, 2018

David S. Borunda  
Clerk of the District Court



LR3-Form 2.12

Supreme Court Approved  
August 6, 2004

STATE OF NEW MEXICO  
COUNTY OF DOÑA ANA  
THIRD JUDICIAL DISTRICT COURT

Plaintiff

VS.

NO.: D-307-CV  
Judge:

Defendant

JOINT SCHEDULING REPORT STIPULATING TO TRACK A

Come now all the parties to this case, (by their counsel of record) and stipulate as follows:

- 1 The court has subject matter and personal jurisdiction, and venue is proper.
- 2 This case is appropriate for assignment to Track A
- 3 The parties do not intend to amend the pleadings or file dispositive motions
- 4 All parties will be ready for trial by \_\_\_\_\_ (*no more than six (6) months from filing of complaint*)
- 5 Witness lists will be exchanged and filed forty-five (45) days before trial
- 6 Discovery limited to interrogatories, requests for production and admission and no more than two (2) depositions per party.
- 7 All parties and counsel will either (a) select a facilitator by agreement of the parties, or (b) request the court's ADR coordinator to select a facilitator and will engage in a settlement conference within ninety (90) days from the date of the filing of the complaint.  
  
The parties may move for enlargement of time for the settlement conference for good cause shown. The parties shall share the facilitator's fee, if any, equally.



8. Exhibits: exchanged at least fifteen (15) days before trial.

This (jury \_\_\_\_ 6 \_\_\_\_ 12 nonjury \_\_\_\_ ) matter will take \_\_\_\_ hours to try.

9. Conflicting court hearings (or other conflicts which show good cause for not setting trial)

for two (2) months following the date the matter is ready for trial:

\_\_\_\_\_  
\_\_\_\_\_

10. Other: \_\_\_\_\_

SUBMITTED BY:

Name of party:

Attorney:

Address:

Telephone Number

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of party:

Attorney:

Address:

Telephone Number

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I mailed, delivered or faxed a copy to the assigned judge and each party or each party's attorney on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature

LR3-Form 2.13. ( \_\_\_\_\_ 's) (joint) scheduling report.

STATE OF NEW MEXICO  
COUNTY OF DOÑA ANA  
THIRD JUDICIAL DISTRICT COURT

\_\_\_\_\_, Plaintiff

vs.

NO.: D-307-CV

Judge:

\_\_\_\_\_, Defendant

( \_\_\_\_\_ 'S) (JOINT) SCHEDULING ORDER

1. This case should be assigned to Track \_\_\_\_\_.
2. Jurisdiction and Venue: \_\_\_\_\_ Stipulated; \_\_\_\_\_ Disputed;  
Why: \_\_\_\_\_
3. \_\_\_\_\_ Non Jury; \_\_\_\_\_ 6-person jury; \_\_\_\_\_ 12-person jury.
4. Significant legal issues, if any: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Trial witnesses presently known (defendant's, plaintiff's, etc.): \_\_\_\_\_  
State expert type: \_\_\_\_\_
6. Settlement:  
\_\_\_\_\_ [I] [We] have sufficient information to evaluate the case.  
\_\_\_\_\_ [I] [We] have provided sufficient information for opposing parties to evaluate the case.  
\_\_\_\_\_ [I][We] need the following information from \_\_\_\_\_ to evaluate the case: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ [I] [We] need the following discovery to obtain information sufficient to evaluate the case:  
\_\_\_\_\_  
\_\_\_\_\_ Explain why such information cannot be obtained informally without formal discovery:  
\_\_\_\_\_  
\_\_\_\_\_ [I] [We] have scheduled a settlement conference on \_\_\_\_\_, 20\_\_\_\_\_  
with \_\_\_\_\_ (*facilitator*) or have requested the court's ADR coordinator to refer to facilitation.  
Or  
\_\_\_\_\_ [I] [We] request that this not be referred to facilitation because:  
\_\_\_\_\_  
The possibility of settlement is \_\_\_\_\_ good, \_\_\_\_\_ fair, \_\_\_\_\_ poor.

7. Discovery:

[I] [We] estimate it will take \_\_\_\_\_ months to complete discovery. (*Attach discovery plan if stipulated, or request for setting a discovery conference if wanted.*) If any party requests a discovery conference, answer the following:

The party submitting this scheduling report intends to do the following discovery:

\_\_\_\_\_  
(*If this is a joint scheduling report, each party shall answer this question.*)

[Plaintiff] [Defendant] intends to do the following discovery:

8. [I] [We] estimate that trial will take \_\_\_\_\_ court days to try-

9. Dates counsel will not be available for trial due to the following conflicting court settings (*beginning with the date immediately following the time you estimate discovery will be completed*). \_\_\_\_\_

10. Stipulations: \_\_\_\_\_

11. Other: \_\_\_\_\_

SUBMITTED BY:

Name of party: \_\_\_\_\_  
Attorney: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number \_\_\_\_\_

Name of party: \_\_\_\_\_  
Attorney: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number \_\_\_\_\_

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I mailed, delivered or faxed a copy to the assigned judge and each party or each party's attorney on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Signature

## SUMMONS

THIRD JUDICIAL DISTRICT COURT DONA ANA COUNTY, NEW MEXICO		CASE NO.: (D-307) <u>CV-2018-1310</u>	
Court Address: 201 W. Picacho Las Cruces, NM 88005 Court Telephone: 575-523-8200		JUDGE: <u>Manuel I. Arrieta</u>	
Plaintiff(s): <u>Melissa Smith</u>		DEFENDANT:	
v.		Name: <u>Ms. Organization <del>John</del> Michael Hartley</u>	
Defendant(s): <u>John Michael Hartley</u>		Address: <u>United States Patent and Trade Mark Office</u>	

## TO THE ABOVE NAMED DEFENDANT

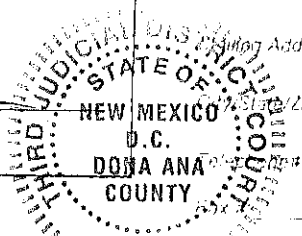
## TAKE NOTICE THAT:

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing & pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org), 1-800-876-6657 or 505-797-6066.

Dated at Las Cruces, New Mexico, this 18 day of June, 2018

NORMAN E. OSBORNE  
CLERK OF THE COURT

By: LKB  
Deputy



Melissa Smith  
Signature of Attorney for Plaintiff or Plaintiff, Pro Se

Print Name: Melissa Smith

Address: 1250 Foster Road #4

City/State/Zip: Las Cruces NM 88001

Phone: 575 -

Email Address: \_\_\_\_\_

**RETURN**

STATE OF \_\_\_\_\_ )  
 ) ss  
 COUNTY OF \_\_\_\_\_ )

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in \_\_\_\_\_ County on (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_, by delivering a copy of this summons, with a copy of the Petition for Dissolution of Marriage and the Temporary Domestic Order attached, and the Order for Parent Education attached, in the following manner: **(check one box and fill in appropriate blanks)**

- ☐ to the respondent (name of person): \_\_\_\_\_ (used when respondent accepts a copy of summons, petition and temporary domestic order or refuses to accept the summons, petition and temporary domestic order)

☐ to the respondent by [mail] [courier service] as provided by Rule 1-004 NMRA (used when service is by mail or commercial courier service).

After attempting to serve the summons, petition and temporary domestic order on the respondent by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of petition and temporary domestic order attached, in the following manner:

- ☐ to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of respondent \_\_\_\_\_, (used when the respondent is not presently at place of abode) and by mailing by first class mail to the respondent at \_\_\_\_\_ (insert respondent's last known mailing address) a copy of the summons, petition and temporary domestic order.
- ☐ to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the respondent and by mailing by first class mail to the respondent at \_\_\_\_\_ (insert respondent's business address) and by mailing the summons, petition and temporary domestic order by first class mail to the respondent at \_\_\_\_\_ (insert respondent's last known mailing address).
- ☐ to \_\_\_\_\_, an agent authorized to receive service of process for respondent \_\_\_\_\_.
- ☐ to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of respondent \_\_\_\_\_ (used when respondent is a minor or an incompetent person).
- ☐ to \_\_\_\_\_ (name of person), \_\_\_\_\_ (title of person authorized to receive service. Use this alternative when the respondent is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: \_\_\_\_\_

Signature of person making service \_\_\_\_\_

Print Name and Title (if any) \_\_\_\_\_

Subscribed and sworn to before me on: \_\_\_\_\_

Judge/notary/other officer authorized to administer oaths

Official Title: \_\_\_\_\_

My commission expires: \_\_\_\_\_